

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-8391**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SAMUEL ANDRE LATHON, a/k/a Andre,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. Malcolm J. Howard, Senior District Judge. (4:01-cr-00060-H-1)

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Submitted: February 23, 2009

Decided: March 6, 2009

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Before WILKINSON, NIEMEYER, and AGEE, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Samuel Andre Lathon, Appellant Pro Se. Michael Gordon James, Rudolf A. Renfer, Jr., Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Samuel Andre Lathon appeals the district court's order denying his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) (2006). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court, United States v. Lathon, No. 4:01-cr-00060-H-1 (E.D.N.C. Oct. 24, 2008), and the reasons stated in our recent decision in United States v. Dunphy, 551 F.3d 247 (4th Cir. 2009). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED